

### REMARKS/ARGUMENTS

Reconsideration of this patent application is respectfully requested in view of the following remarks. Claims 1-14 and 21-28 are in the application. Claims 1-14 have been withdrawn and claims 15-20 have been canceled. Claims 21-29 have been added. No new matter has been added.

Applicant appreciates the Examiner's courtesy during the telephone interview of March 17, 2009.

The Examiner rejected claim 15 under 35 U.S.C. §103(a) as being unpatentable over *Mitchell U.S. Patent No. 4,957,424* in view of *DE 1649760* and further in view of *Crum U.S. Patent No. 3,069,875*. Applicant respectfully traverses.

Applicant has canceled claims 15-20 and has added new claims 21-29. New claim 21 is based on original claim 15 with an added feature that the second, inner layer is applied directly to the outer layer before the outer layer has cured. Support for this amendment can be found in the specification on page 3, lines 13-14. Claim 21 also has the feature that the inner concrete layer is compacted with radially acting compacting rollers and with a

smoothing tool. Support for this feature can be found in original claim 11. New claims 22 and 23 are based on features of original claim 15. New claim 24 is supported by the specification at page 3, lines 20-22. New claims 25-29 correspond to original claims 16, 17, 18, 19 and 20, respectively.

The present invention is directed to the production of a multi-layer concrete pipe having at least two layers of concrete. In contrast to that, *Meyer* refers to lining a single layer concrete pipe with a glass-like material, i.e. not with a second concrete layer. Concrete is usually defined as a material based on calcium sulfate ( $\text{CaSO}_4$ ). As can be taken from claim 1 of *Meyer*, the inner layer of the pipe is not made from such a concrete material.

A further distinction of the present invention over *Meyer* is the feature added in new claim 21, of the inner layer being applied directly to the outer layer before the outer layer is cured. *Meyer* does not disclose this feature. This feature is also not taught or suggested by *Crum* or *DE 1646760*.

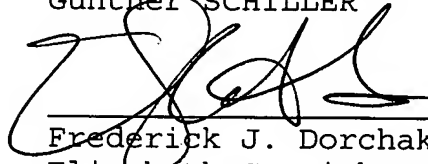
Regarding all of the cited references, only *Lewis* relates to the production of a pipe having two concrete layers. However,

*Lewis* teaches that additional layers of concrete may only be applied after the previous layer has set sufficiently and any excess water and slurry is withdrawn from the mold. Thereafter, the previous layer is roughened to provide a key or bonding effect to the next layer that is to be formed (see column 2, lines 13 to 19 and 33 to 39). In other words, one of skill in the art would know from *Lewis* that if two layers of concrete should be combined to form a multi-layer concrete pipe, one has to wait until the first layer is fully cured prior to applying the material for the following layer. Thus, the present invention provides a new way of producing multi-layer concrete pipes which is neither known nor rendered obvious by the prior art.

Regarding the reference to *Kern*, cited by the Examiner during the interview, the inner layer of *Kern* is not a concrete layer, but is an impregnation medium of synthetic resin solution. This layer is applied with spray nozzles and does not create a two-layer concrete pipe. Concrete cannot be applied with spray nozzles. New claim 21 also claims that the inner concrete layer is compacted with rollers and a smoothing tool. This is not taught or suggested by *Kern* either.

Accordingly, Applicant submits that new claims 21-29 are patentable over the cited references, taken either singly or in combination. Early allowance of the claims is respectfully requested.

Respectfully submitted,  
Gunther SCHILLER



COLLARD & ROE, P.C.  
1077 Northern Boulevard  
Roslyn, New York 11576  
(516) 365-9802

Frederick J. Dorchak, Reg.No. 29,298  
Elizabeth C. Richter, Reg.No. 35,103  
Attorneys for Applicant

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop: AF , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 3, 2009.



Amy Klein